

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

100 Board of Accountancy

Statutory Authority: 24 Delaware Code, Section 105(a)(1) (24 **Del.C.** §105(a)(1))
24 **DE Admin. Code** 100

FINAL

ORDER

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on June 16, 2010 at a scheduled meeting of the Delaware Board of Accountancy (“the Board”) to receive comments regarding proposed amendments to the Board’s Rules and Regulations. The Board has proposed numerous revisions to the Rules and Regulations. A number of revisions implement amendments to the Board’s licensing law, Chapter 1 of Title 24 of the Delaware Code, including the addition of the practice privilege set forth at 24 **Del.C.** §108. In addition, the amendments set forth the licensure requirements that will go into effect on August 1, 2012. Further, specific course requirements for licensure are revised. There are various amendments pertaining to continuing professional education. Specifically, the proposed amendments will expressly give the Board authority to sanction licensees who do not comply with continuing professional education requirements. The Board also proposes various grammatical and typographical revisions.

The Board initially proposed revisions to its Rules and Regulations in the *Delaware Register of Regulations*, Volume 13, Issue 9 at 13 **DE Reg.** 1198 on March 1, 2010. A public hearing was held on April 21, 2010. Based on written and verbal comments presented, the Board decided to make substantive changes to the proposed amendments.

Pursuant to the Administrative Procedures Act, 29 **Del.C.** §10115, notice of a second public hearing and a copy of the repropoed revisions were published in the *Delaware Register of Regulations*, Volume 13, Issue 11 at 13 **DE Reg.** 1433, on May 1, 2010.

Summary of the Evidence and Information Submitted

At the public hearing on June 16, 2010, the following documents were admitted as exhibits and made part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

There was no verbal comment at the public hearing.

Findings of Fact and Conclusions

The Board finds that the proposed amendments to the Rules and Regulations serve to implement changes to Chapter 1 of Title 24. The amendments also strengthen and clarify continuing professional education requirements. Grammatical and typographical revisions make the Rules and Regulations clearer and more concise. In short, the proposed revisions will improve the Rules and Regulations and benefit the public.

The Board noted a typographical error in Rule 11.1.2, where “off-numbered” should be “odd-numbered.” Pursuant to 29 **Del.C.** §10118(c), the Board has the authority to make non-substantive changes to the proposed Rules and Regulations without repropoing the changes. Therefore, the typographical error has been corrected in Exhibit A attached to this Order.

The Law

The Board’s rulemaking authority is provided by 24 **Del.C.** 105(a)(1).

Decision and Effective Date

The Board hereby adopts the proposed amendments to the Rules and Regulations as effective 10 days following publication of this Order in the *Delaware Register of Regulations*.

Text and Citation

The text of the revised Rules and Regulations is attached hereto as Exhibit A.

SO ORDERED this 16th day of June 2010.

DELAWARE BOARD OF ACCOUNTANCY

David Doane, President

Sharon Cirillo

James A. Cohee

Robert Mosch, Secretary

Carmetah Murray

Robert Paretta

Gary Pippin

Judith Scarborough

Michael D. Wollaston

100 Board of Accountancy

1.0 General Provisions

- 1.1 Pursuant to 24 **Del.C.** Ch. 1, the Delaware Board of Accountancy (“the Board”) is authorized to, and has adopted, these Rules and Regulations. The Rules and Regulations are applicable to all certified public accountants, public accountants, permit holders and applicants to the Board.
- 1.2 Information about the Board, including its meeting dates, may be obtained by contacting the Board’s Administrative Specialist at the Division of Professional Regulation (Division), Cannon Building, 861 Silver Lake Boulevard, Ste. 203, Dover, Delaware 19904, telephone (302) 744-4500. Requests to the Board may be directed to the same office.
- 1.3 The Board’s President shall preside at all meetings of the Board and shall sign all official documents of the Board. In the President’s absence, the Board’s Secretary shall preside at meetings and perform all duties usually performed by the President.
- 1.4 The Board may seek counsel, advice and information from other governmental agencies and such other groups as it deems appropriate.
- 1.5 The Board may establish such subcommittees as it determines appropriate for the fair and efficient processing of the Board’s duties.
- 1.6 The Board reserves the right to grant exceptions to the requirements of the Rules and Regulations upon a showing of good cause by the party requesting such exception, provided that the exception is not inconsistent with the requirements of 24 **Del.C.** Ch. 1.
- 1.7 Board members are subject to the provisions applying to “honorary state officials” in the “State Employees’, Officers’ and Officials’ Code of Conduct,” found at 29 **Del.C.** Ch. 58. No member of the Board shall: (1) serve as a peer reviewer in a peer review of a licensee; or (2) be an instructor in an examination preparation course or school or have a financial interest in such an endeavor.

2.0 Professional Conduct

- 2.1 A certified public accountant, or a public accountant holding a certificate or permit issued by this Board, agrees to comply with the Rules of Conduct contained in the Code of Professional Ethics of the American Institute of Certified Public Accountants. All changes in the Rules and Interpretations made by the American Institute of Certified Public Accountants (AICPA) shall automatically be made a part of these Rules and Regulations unless specifically rejected by the Board.

3.0 Applications

- 3.1 An application for examination, certificates, permits to practice and renewals of permits to practice shall be submitted on forms approved by the Board.
- 3.2 The Board may require additional information or explanation when it has questions about an applicant's qualifications or application materials. An application is not complete or in proper form until the Board has received all required and requested documents, materials, information and fees.
- 3.3 Applicants requesting to sit for the Uniform Certified Public Accountant Examination or its successor examination must demonstrate that they meet the good character and education requirements of 4.1.4 and 4.1.4 of these Rules and Regulations.

4.0 Requirements for a Certificate and Permit to Practice Certified Public Accountancy (Effective through July 31, 2012)

- 4.1 Each applicant for a certificate and permit to practice certified public accountancy must provide the Board with the following:
 - 4.1.1 A statement under oath or other verification satisfactory to the Board that the applicant is of good character as that term is defined in 24 Del.C. §107(a)(1).
 - 4.1.2 Evidence in a form satisfactory to the Board that the applicant has successfully passed the Uniform Certified Public Accountant Examination or its successor examination as established by the AICPA and the National Association of State Boards of Accountancy (NASBA).
 - 4.1.3 Evidence in a form satisfactory to the Board that the applicant has successfully completed the AICPA self-study program "Professional Ethics for CPAs," or its successor course, with a grade of not less than 90%.
 - 4.1.4 Evidence in a form satisfactory to the Board that the applicant holds a Master's Degree, a Baccalaureate Degree or an Associate Degree, with a concentration in accounting.
 - 4.1.4.1 The applicant also must, upon request, submit proof that the college or university granting the degree was, at the time of the applicant's graduation, accredited by the Middle States Association of Colleges and Secondary Schools or by another comparable regional accrediting association. A degree granted by a college or university not so accredited at the time of applicant's graduation will not be accepted. Graduates of non-United States (U.S.) degree programs will be required to have their credentials evaluated by a credential evaluation service acceptable to the Board, to determine equivalency to U.S. regional accreditation.
 - 4.1.4.2 The concentration in accounting must be completed at an accredited college or university and consist of at least 21 semester hours of accounting courses covering some or all of the following subject matter content, which are to be derived from the current Uniform CPA Examination Content Specification Outline (CSO):
 - Financial accounting and reporting for business organizations
 - Financial accounting and reporting for government and not-for-profit entities
 - Auditing and attestation services
 - Managerial or cost accounting
 - Taxation
 - Fraud examination
 - Internal controls and risk assessment
 - Financial statement analysis
 - Accounting research and analysis
 - Tax research and analysis
 - Accounting information systems
 - Ethics (accounting course)
 - Business law
 - Other courses included in the CSO, or as approved by the Board

~~—auditing, and federal taxation,~~ These courses may be taken either as part of the applicant's Associate, Baccalaureate or Master's Degree program or subsequent to the completion of the program. Each applicant must have completed courses in financial

accounting (including introductory, intermediate, advanced, and cost accounting), and reporting, auditing and attestation services, and federal taxation as components of the 21 hour concentration in accounting. ~~Courses must have been completed in all three areas (i.e. accounting, auditing, and federal taxation).~~ Courses in other business subjects, such as banking, ~~business law~~, computer science, economics, finance, insurance, management and marketing will not be accepted as accounting courses for this purpose.

- 4.1.5 Evidence in a form satisfactory to the Board that the applicant meets the experience requirements provided in 24 **Del.C.** §107(a)(5) and ~~Regulation~~ Rule 5.0 of these Rules and Regulations, as applicable.
- 4.1.6 A statement under oath or other verification satisfactory to the Board that the applicant has not engaged in any acts that would be grounds for discipline by the Board.
- 4.1.7 A certified statement from the licensing authority, or comparable agency, that the applicant has no pending disciplinary proceedings or complaints against him or her in each jurisdiction where the applicant currently or previously held a permit to practice.

7 DE Reg. 494 (10/01/03)

4.0 Requirements for a Certificate and Permit to Practice Certified Public Accountancy (Effective August 1, 2012)

- 4.1 Each applicant for a certificate and permit to practice certified public accountancy must provide the Board with the following:
- 4.1.1 A statement under oath or other verification satisfactory to the Board that the applicant is of good character as that term is defined in 24 **Del.C.** §107(a)(1).
- 4.1.2 Evidence in a form satisfactory to the Board that the applicant has successfully passed the Uniform Certified Public Accountant Examination or its successor examination as established by the AICPA and the National Association of State Boards of Accountancy (NASBA).
- 4.1.3 Evidence in a form satisfactory to the Board that the applicant has successfully completed the AICPA self-study program "Professional Ethics for CPAs," or its successor course, with a grade of not less than 90%.
- 4.1.4 Evidence in a form satisfactory to the Board that the applicant has completed at least 150 semester hours of college education, including a Baccalaureate Degree or a higher degree. The total educational program shall include a concentration in accounting.
- 4.1.4.1 The applicant also must, upon request, submit proof that the college or university granting the degree was, at the time of the applicant's graduation, accredited by the Middle States Association of Colleges and Secondary Schools or by another comparable regional accrediting association. A degree granted by a college or university not so accredited at the time of applicant's graduation will not be accepted. Graduates of non-United States (U.S.) degree programs will be required to have their credentials evaluated by a credential evaluation service acceptable to the Board, to determine equivalency to U.S. regional accreditation.
- 4.1.4.2 The concentration in accounting must be completed at an accredited college or university and consist of at least 24 semester hours of accounting courses covering some or all of the following subject matter content, which are to be derived from the current Uniform CPA Examination Content Specification Outline (CSO):
- Financial accounting and reporting for business organizations
 - Financial accounting and reporting for government and not-for-profit entities
 - Auditing and attestation services
 - Managerial or cost accounting
 - Taxation
 - Fraud examination
 - Internal controls and risk assessment
 - Financial statement analysis

- Accounting research and analysis
- Tax research and analysis
- Accounting information systems
- Ethics (accounting course)
- Business law
- Other courses included in the CSO, or as approved by the Board

These courses may be taken either as part of the applicant's Baccalaureate or Master's Degree program or subsequent to the completion of the program. Each applicant must have completed courses in financial accounting and reporting, auditing and attestation services, and taxation as components of the 24 hour concentration in accounting. Courses in other business subjects, such as banking, computer science, economics, finance, insurance, management and marketing will not be accepted as accounting courses for this purpose.

- 4.1.5 Evidence in a form satisfactory to the Board that the applicant meets the experience requirements provided in 24 Del.C. §107(a)(5) and Rule 5.0 of these Rules and Regulations, as applicable.
- 4.1.6 A statement under oath or other verification satisfactory to the Board that the applicant has not engaged in any acts that would be grounds for discipline by the Board.
- 4.1.7 A certified statement from the licensing authority, or comparable agency, that the applicant has no pending disciplinary proceedings or complaints against him or her in each jurisdiction where the applicant currently or previously held a permit to practice.
- 4.2 Applications, from individuals who have satisfied all the requirements for a certificate and permit to practice, that have been received by the Board no later than July 31, 2012 shall be processed in accordance with the provisions of 24 Del.C. Chapter 1 and these Rules and Regulations which were in effect prior to August 1, 2012.

5.0 Experience Requirements for Permit to Practice Certified Public Accountancy (Effective through July 31, 2012)

- 5.1 Applicants who hold a ~~m~~Master's ~~d~~Degree pursuant to the terms of 24 Del.C. §107, shall meet the following standards and requirements for qualifying experience pursuant to 24 Del.C. §107(a)(5):
- 5.1.1 Qualifying experience for holders of a ~~m~~Master's ~~d~~Degree shall include the provision of any type of service or advice involving the use of accounting, attest, compilation, internal audit, management advisory, financial advisory, tax or consulting skills.
- 5.1.1.1 "Management advisory" experience shall be limited to the fields of accounting, financial or business matters.
- 5.1.1.2 "Consulting skills" shall be limited to providing accounting, financial or business advice.
- 5.1.2 Qualifying experience shall be verified by a certified public accountant who holds a valid permit to practice, except as noted in Rule 5.4.1. The verification shall be notarized.
- 5.2 Applicants who hold a ~~b~~Baccalaureate ~~d~~Degree pursuant to the terms of 24 Del.C. §107, shall meet the following standards and requirements for qualifying experience pursuant to 24 Del.C. §107(a)(5):
- 5.2.1 Qualifying experience for holders of a ~~b~~Baccalaureate ~~d~~Degree shall include experience in engagements resulting in the preparation and issuance of financial statements, including appropriate footnote disclosures, and prepared in accordance with generally accepted accounting principles or other comprehensive bases of accounting as defined in the standards established by the ~~American Institute of Certified Public Accountants~~ AICPA.
- 5.2.1.1 "Standards" shall include generally accepted auditing standards and/or Statements on Standards for Accounting and Review Services (SSARS), appropriate to the level of engagement.
- 5.2.2 Experience in internal audit may be used in lieu of or in addition to the experience described in Rule 5.2.1.
- 5.2.3 Qualifying experience shall be verified by a certified public accountant who holds a valid permit to practice, except as noted in Rule 5.4.1. The verification shall be notarized.

- 5.3 Applicants who hold an ~~a~~Associate ~~d~~Degree pursuant to the terms of 24 **Del.C.** §107, shall meet the following standards and requirements for qualifying experience pursuant to 24 **Del.C.** 107(a)(5):
- 5.3.1 The applicant shall submit evidence of extensive experience obtained in engagement, resulting in the preparation and issuance of financial statements prepared in accordance with generally accepted accounting principles or other comprehensive bases of accounting as defined in the standards established by the ~~American Institute of Certified Public Accountants~~ AICPA.
- 5.3.1.1 “Standards” shall include generally accepted auditing standards and/or Statements on Standards for Accounting and Review Services (SSARS), appropriate to the level of engagement.
- 5.3.2 Qualifying experience shall be verified by a certified public accountant who holds a valid permit to practice, except as noted in Rule 5.4.1. The verification shall be notarized.
- 5.4 Each applicant, regardless of educational level, must submit an affidavit from each employer with whom qualifying experience is claimed, setting forth the dates of employment, describing the nature of applicant’s duties by area and affirming that the applicant discharged his or her duties in a competent and professional manner. The affidavit must be signed by the supervising ~~C~~certified ~~P~~public ~~A~~accountant(s) and include a statement indicating the jurisdiction of his or her ~~certificate and/or~~ license. If the applicant has worked for multiple ~~GPA~~s certified public accountants, the signature of a qualifying ~~GPA~~ certified public accountant is sufficient. However, the applicant must be able to furnish information concerning permits of other supervising ~~GPA~~s certified public accountants as requested by the Board.
- 5.4.1 In cases in which any part of the required experience has been obtained in the practice of public accountancy, the affidavit may be from the responsible supervisor at each employer with whom such experience is claimed, or from the applicant himself or herself where the qualifying experience is claimed as an owner or principal of a firm engaged in the practice of public accountancy. Each affidavit shall include the dates of employment, describe the nature of the applicant’s duties, state the approximate time devoted to each, and affirm that the applicant discharged his or her duties in a competent and professional manner. In the case of a sole practitioner, the Board reserves the right to require the sole practitioner to provide additional documentation verifying his or her qualifying experience. The affidavit shall be notarized.
- 5.5 Only experience obtained after the conferring of the degree under which the candidate applies shall be accepted. A “year” of qualifying experience shall consist of ~~fifty (50) weeks of full-time employment. Two weeks of part-time experience, as defined herein, shall be equivalent to one week of full-time employment. A period of full-time employment of less than ten consecutive weeks or part-time employment of less than sixteen consecutive weeks will not be recognized. Full-time employment shall be no less than thirty five (35) hours per week; part-time employment shall be no less than 320 hours worked during a sixteen week period with a minimum of ten (10) hours per week~~ full or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in Rules 5.1, 5.2 and 5.3.

3 DE Reg. 1668 (6/1/00)

5 DE Reg. 119 (7/1/01)

9 DE Reg. 1983 (06/01/06)

5.0 Experience Requirements for Permit to Practice Certified Public Accountancy (Effective August 1, 2012)

- 5.1 The experience required for issuance of an initial permit pursuant to 24 **Del.C.** §107(a)(5) shall meet the requirements set forth in this Rule.
- 5.1.1 Experience may consist of providing any type of services or advice using accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills.
- 5.1.2 Qualifying experience shall be verified by a certified public accountant who holds a valid permit to practice or comparable license from another jurisdiction. The verification shall be notarized.

- 5.2 Each applicant must submit an affidavit from each employer with whom qualifying experience is claimed, setting forth the dates of employment, describing the nature of applicant's duties by area and affirming that the applicant discharged his or her duties in a competent and professional manner. The affidavit must be signed by the supervising certified public accountant(s) and include a statement indicating the jurisdiction of his or her license. If the applicant has worked for multiple certified public accountants, the signature of a qualifying certified public accountant is sufficient. However, the applicant must be able to furnish information concerning permits of other supervising certified public accountants as requested by the Board.
- 5.3 Only experience obtained after the conferring of the degree under which the candidate applies shall be accepted. A "year" of qualifying experience shall consist of full or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in Rule 5.1.

6.0 Requirements for Permit to Practice Public Accountancy

- 6.1 Each applicant for a permit to practice public accountancy must provide the Board with the following:
- 6.1.1 A statement under oath or other verification satisfactory to the Board that the applicant is of good character as that term is defined in 24 **Del.C.** §107(a)(1).
- 6.1.2 Evidence in a form satisfactory to the Board that the applicant holds, as a minimum, an associate degree with a concentration in accounting. ~~The provisions of Rules 4.1.4.1 and 4.1.4.2 of these Rules and Regulations~~ also apply to applicants for permits to practice public accountancy.
- 6.1.3 Evidence in a form satisfactory to the Board that the applicant has successfully passed the accounting examination given by the Accreditation Council for Accountancy and Taxation, which is the examination recognized by the National Society of Public Accountants, or both the ~~Regulation~~ Financial Accounting and Reporting (FAR) and Auditing and Attestation (AUD) portions of the Uniform Certified Public Accounting Examination. Effective August 1, 2012, an applicant shall qualify to sit for the FAR and AUD portions of the Uniform Certified Public Accountants Examination only if he or she holds at least a Baccalaureate Degree with 120 credit hours.
- 6.1.4 Evidence in a form satisfactory to the Board that the applicant has successfully completed the AICPA self-study program "Professional Ethics for CPAs," or its successor course, with a grade of not less than 90%.
- 6.1.5 A statement under oath or other verification satisfactory to the Board that the applicant has not engaged in any acts that would be grounds for discipline by the Board.
- 6.1.6 A certified statement from the licensing authority, or comparable agency, that the applicant has no pending disciplinary proceedings or complaints against him or her in each jurisdiction where the applicant currently or previously held a permit to practice.

9 DE Reg. 1983 (06/01/06)

7.0 Certificate Holders

- 7.1 Any person holding a valid Delaware certificate issued on or before June 30, 1985 remains a certificate holder. Even if a prior permit to practice has lapsed, he or she is deemed by statute (24 **Del.C.** §122(c)) to have achieved sufficient education and experience and may obtain a permit to practice by applying to the Board.
- 7.1.1 If the certificate holder chooses to obtain a permit to practice, he or she is subject to the Delaware Accountancy statute and Rules and Regulations for those individuals holding permits to practice, including biennial renewal and continuing professional education.
- 7.1.2 If the certificate holder chooses to remain a certificate holder, he or she may use the designation "CPA" under limited circumstances as described in ~~Regulation~~ Rule 8.0 Use of Designations.
- 7.2 Any person issued a certificate after July 1, 1985 and those applicants who meet the requirements of 24 **Del.C.** §122(d) on or before January 1, 2006 will remain certificate holders. He or she may obtain a permit to practice by meeting the experience requirements as established in the ~~Board's~~ Delaware Accountancy statute and Rules and Regulations.

- 7.2.1 If the certificate holder chooses to obtain a permit to practice, he or she is subject to the Delaware Accountancy statute and Rules and Regulations for those individuals holding permits to practice, including biennial renewal and continuing professional education.
- 7.2.2 If the certificate holder chooses to remain a certificate holder, he or she may use the designation "CPA" under limited circumstances as described in ~~Regulation~~ Rule 8.0 Use of Designations.
- 7.3 Except for those applicants submitting completed applications to sit for the Uniform Certified Public Accounting Examination prior to January 1, 2006, there shall be no new certificates issued or new applications accepted for certificates only after that date.

9 DE Reg. 1983 (06/01/06)

8.0 Use of Designations

- 8.1 Designation "Certified Public Accountant" and the Abbreviation "CPA" in the Practice of Certified or Public Accountancy:
 - 8.1.1 **Only** the following individuals and entities may use the designation "certified public accountant", the abbreviation "CPA", and other designations which suggest that the user is a certified public accountant, in the practice of certified or public accountancy:
 - 8.1.1.1 An individual who is registered with the Board and holds ~~a certificate of certified public accountant and~~ a current permit to practice as a certified public accountant.
 - 8.1.1.2 A sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state which is registered with the Board and holds a current firm permit to practice.
 - 8.1.1.3 An individual who qualifies for a practice privilege under 24 Del.C. §108.
 - 8.1.1.4 A sole proprietorship, partnership, corporation, or any other legal entity that is practicing certified public accountancy in Delaware under a practice privilege.
 - 8.2 Designation "Certified Public Accountant" and the abbreviation "CPA" by certificate holders who do not maintain a permit to practice:
 - 8.2.1 An individual who holds a certificate of certified public accountant but does not maintain a permit to practice may use the designation "certified public accountant" or the abbreviation "CPA" if:
 - 8.2.1.1 The certificate of certified public accountant has not been suspended or revoked and is in good standing;
 - 8.2.1.2 The individual does not engage in the practice of certified or public accountancy and does not offer to perform certified or public accountancy services; and
 - 8.2.1.3 The individual places the words "not in public practice" adjacent to their CPA title on any business card, letterhead or any other document or device, with the exception of ~~their~~ his or her CPA certificate on which their CPA title appears.
 - 8.3 Designation "Public Accountant" and the abbreviation "PA"
 - 8.3.1 Only the following individuals and entities may use the designation "public accountant," the abbreviation "PA", and other designations which suggest that the user is a public accountant, in the practice of public accountancy.
 - 8.3.1.1 An individual who is registered with the Board and holds a permit to practice public accountancy in good standing.
 - 8.3.1.2 A sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state which is registered with the Board and holds a current firm permit in good standing to practice public accountancy.
 - 8.3.2 An individual may not refer to his or her business or sign tax returns as "John/Jane Doe, PA" without a permit to practice public accountancy.
 - 8.4 No person, sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state shall hold him/her/itself or otherwise use the title or designation "certified accountant", "chartered accountant", "enrolled accountant", "licensed accountant", "registered accountant", "licensed public accountant", "registered public accountant", or any other title

or designation likely to be confused with "certified public accountant" or "public accountant", or any other abbreviations of any prohibited titles or designations likely to be confused with "CPA" or "PA". It is not a violation of this clause for an individual on whom has been conferred, by the Internal Revenue Service, the title enrolled agent to use that title or the abbreviation "EA".

- 8.5 No person, sole proprietorship, partnership, or corporation, or any other entity authorized under Delaware law or a similar statute of another state shall use a title, certification or specialized designation that includes the word "accredited" or "certified" or an abbreviation of such a title, certification or designation or otherwise claim a qualification unless that designation has been conferred by a bona fide organization after evaluation of the individual's credentials and competencies. This includes such certifications and designations as "Certified Financial Planner™", "CFP", "CVA", "ABV", etc.

5 DE Reg. 2090 (05/01/02)

9 DE Reg. 1983 (06/01/06)

9.0 Reciprocity

- 9.1 An applicant seeking a permit to practice through reciprocity shall demonstrate that he or she meets requirements of 24 **Del.C.** §109(a) and must provide the Board with the following:

- 9.1.1 A statement under oath or other verification satisfactory to the Board that the applicant has not engaged in any acts that would be grounds for discipline by the Board; and
- 9.1.2 A certified statement from the licensing authority, or comparable agency, that the applicant has no pending disciplinary proceedings or complaints against him or her in each jurisdiction where the applicant currently or previously held a certificate or permit to practice.

- 9.2 The provisions of Rule 5.1 of these Rules and Regulations shall also apply to the experience required by 24 **Del.C.** §109(a)(3) for the granting of a permit by reciprocity.

- ~~9.3 An applicant seeking a certificate through reciprocity shall demonstrate that he or she meets the requirements of 24 **Del.C.** §109 and must provide the Board with the following:~~

- ~~9.3.1 A certified statement from the licensing authority, or comparable agency, of the jurisdiction through which the applicant seeks reciprocity that the applicant holds a valid certificate with no past or pending disciplinary proceedings or complaints against him or her; and~~
- ~~9.3.2 Copies of the law and rules or regulations establishing the requirements for certification in the jurisdiction through which the applicant seeks reciprocity.~~

- 9.3 An individual whose principal place of business is and remains outside this State may practice certified public accountancy in this State under a practice privilege provided that:

- 9.3.1 The individual has an active certified public accountant license in good standing issued by another state which the NASBA National Qualification Appraisal Service has verified to be in substantial equivalence with the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act, or the individual has an active certified public accountant license in good standing issued by another state which the NASBA National Qualification Appraisal Service has not verified to be in substantial equivalence with the certified public accountant licensure requirement of the AICPA/NASBA Uniform Accountancy Act, but the individual has obtained from the NASBA National Qualification Appraisal Service verification that the individual's certified public accountancy qualifications are substantially equivalent to the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act; and

- 9.3.2 The individual consents to each of the terms and conditions pertaining to the use of practice privileges as specified in 24 **Del.C.** §108.

9 DE Reg. 1983 (06/01/06)

10.0 Firm Permits to Practice

- 10.1 Rule 10.0 in its entirety does not apply to a firm that does not maintain an office in this State and is practicing certified public accountancy through an individual practicing pursuant to the practice privilege afforded by 24 **Del.C.** §108 and Rule 9.3.

10.42 Definitions

10.42.1 "Firm" means a sole proprietorship, partnership, corporation or any other entity authorized under Delaware law or a similar statute of another state.

10.42.2 The term "principal of a firm" is defined as any individual who has an equity interest in the firm.

10.23 Each firm which intends to be or is engaged in the practice of certified public accountancy or the practice of public accountancy in this State shall be required to obtain and maintain a valid permit to practice. Individuals not currently practicing certified public accountancy or public accountancy shall not be required to obtain a firm permit to practice until such time as that person begins to perform certified public accounting or public accounting services in this State or for clients located in this State.

10.34 Each applicant for issuance or renewal of a firm permit to practice certified public accountancy for a firm with offices in this State shall be required to show that: 1) each principal who performs services in this State, who performs services for a client(s) located in this State, or who is responsible for the accounting work in this State, holds a valid Delaware individual permit to practice certified public accountancy; and 2) each employee holding a certificate who performs services in this State or who performs services for a client(s) located in this State, except for employees who have not as yet accumulated sufficient experience to qualify for a permit under 24 **Del.C.** §107, holds a valid Delaware individual permit to practice certified public accountancy. For purposes of 24 **Del.C.** §111 and this ~~Section of the Rules and Regulations~~ Rule, employees of a firm with its principal offices outside of Delaware that work in excess of eighty (80) hours in this State or who work for a client(s) in this State must have an individual permit to practice.

10.45 Each applicant for issuance or renewal of a firm permit to practice public accountancy shall be required to show that: 1) each principal who performs services in this State, who performs services for a client(s) located in this State, or who is responsible for the accounting work in this State, holds a valid Delaware individual permit to practice public accountancy; and 2) each employee holding a certificate who performs services in this State or who performs services for a client(s) located in this State, except for employees who have not yet met the requirements to qualify for a permit under 24 **Del.C.** §110, holds a valid individual permit to practice public accountancy. For purposes of 24 **Del.C.** §111 and this ~~Section of the Rules and Regulations~~ Rule, employees of a firm with its principal offices outside of Delaware that work in excess of eighty (80) hours in this State or who work for a client(s) in this State must have a valid Delaware individual permit to practice.

10.56 An applicant for issuance or renewal of a firm permit to practice certified public accountancy or public accountancy shall be required to register each office of the firm within this State with the Board, and to show that each such office is under the charge of a person holding a valid Delaware permit to practice.

10.67 Each holder of or applicant for a firm permit to practice certified public accountancy or public accountancy shall notify the Board in writing within thirty (30) days after its occurrence of: 1) any change in the identities of principals who work regularly within this State; 2) any change in the number or location of offices within this State; 3) any change in the identity of the persons supervising such offices; ~~and~~ 4) any issuance, denial, revocation or suspension of a permit issued by any other State to the firm or to any principal or employee regulated by the Board and 5) any sanction by any governmental regulatory agency or professional organization, including but not limited to the IRS, AICPA or SEC.

10.78 Certified public accounting and public accounting firms practicing as corporations organized pursuant to Delaware law must be organized in compliance with The Professional Service Corporation Act, 8 **Del.C.** §601, et. seq.

10.89 All firms and accountants practicing in firms shall be bound by professional responsibility standards no less stringent than those stated in 8 **Del.C.** §608. Each applicant for issuance or renewal of a firm permit to practice certified public accountancy or public accountancy shall be required to cause a duly authorized individual to verify under oath that upon issuance by the Board of a firm permit to practice, the firm will be bound by professional standards no less stringent than those stated in 8 **Del.C.** §608.

10.910 Certified public accounting and public accounting firms may not practice using firms names that are misleading as to organization, scope, or quality of services provided.

9 DE Reg. 1983 (06/01/06)

11.0 Continuing Education

11.1 Hours Required:

11.1.1 ~~Effective through the licensure renewal period ending June 30, 2011, Each permit holder must have completed at least 80 hours of acceptable continuing professional education each biennial reporting period. Each biennial reporting period ends on June 30 of each odd-numbered year of each year ending with an odd number.~~ The eighty hours of acceptable continuing professional education submitted must have been completed in the immediately preceding two-year period and must include a minimum of sixteen (16) credit hours in accounting and/or auditing and a minimum of sixteen (16) credit hours in taxation and four (4) credit hours in a Delaware specific ethics course approved by the Board as set forth in Rule 11.87.

11.1.2 ~~Effective as of the licensure renewal period beginning July 1, 2011, each permit holder must have completed at least 80 hours of acceptable continuing professional education each biennial reporting period. Each biennial reporting period ends on June 30 of each [off odd]-numbered year. The eighty hours of acceptable continuing professional education submitted must have been completed in the immediately preceding two-year period and must include eight (8) credit hours in accounting and/or auditing and eight (8) credit hours in taxation and four (4) credit hours in a Delaware specific ethics course approved by the Board as set forth in Rule 11.7. In addition to these 20 specified hours, each permit holder must complete at least an additional twenty (20) credit hours in either accounting, auditing or taxation.~~

11.2 Reporting Requirements: ~~Beginning in 2006, I~~license renewal may be accomplished online at www.dpr.delaware.gov. ~~Proof of continuing education is satisfied with an attestation by the license that he or she has satisfied the continuing education requirements of section 11.0. Each permit holder shall attest as to whether the continuing professional education was completed as required by Rule 11.0.~~

11.2.1 Attestation may be completed electronically if the renewal is accomplished online. In an alternative, paper renewal documentation that contains attestation of completion can be submitted.

11.2.2 ~~License selected for random audit will be required to supplement the attestation with attendance verification pursuant to 11.6. Audits will be performed by the Board to ensure compliance with the continuing professional education requirements.~~

11.2.2.1 ~~The Board will notify permit holders within sixty (60) days of June 30 of each biennial renewal period that they have been selected for audit.~~

11.2.2.2 ~~Permit holders selected for random audit shall be required to submit a summary of their continuing professional education attendance on a Board approved log with verification within thirty (30) days of receipt of notification of selection for audit.~~

11.2.3 ~~Verification shall include such information necessary for the Board to assess whether the course or other activity meets the continuing professional education requirements in Rule 11.0. While course brochures may be used to verify hours, they are not considered to be acceptable proof for use of verification of course attendance. Verification must include, but is not limited to, the following information:~~

11.2.3.1 ~~Date of course;~~

11.2.3.2 ~~Location of course, if applicable;~~

11.2.3.3 ~~Field of study;~~

11.2.3.4 ~~Sponsor of course;~~

11.2.3.5 ~~Title of course or description of content;~~

11.2.3.6 ~~Number of hours claimed; and~~

11.2.3.7 ~~Type of instructional/delivery method.~~

11.2.4 ~~The Board shall review all documentation submitted by permit holders pursuant to the audit. If the Board determines that the permit holder has met the continuing professional education requirements, his or her permit shall remain in effect. If the Board determines that the permit~~

- holder has not met the requirements, the permit holder shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the continuing professional education requirements. Unjustified noncompliance with the requirements set forth in these Rules and Regulations shall constitute a violation of 24 Del.C. §117(6) and the permit holder may be subject to one or more of the disciplinary sanctions set forth in 24 Del.C. §118. The Board has the authority to enter into a consent agreement with the permit holder prior to conducting a hearing.
- 11.3 Proration: ~~Prorated continuing professional education regulations consisting of less than eighty hours shall only apply to the first permit renewal;~~ Continuing professional education requirements shall be prorated for new permit holders only. ~~¶~~Thereafter all permit holders are required to complete at least eighty hours of acceptable continuing professional education biennially.
- 11.3.1 If the initial permit was issued less than one year prior to the renewal date, there shall be no continuing professional education requirement for that period.
- 11.3.2 If the initial permit was issued at least one year, but less than two years prior to the renewal date, the continuing professional education requirement shall be 40 hours for that period.
- 11.4 Exceptions: The Board has the authority to make exceptions to the continuing professional education requirements for reasons including, but not limited to, health, military service, foreign residency, and retirement. Requests for exceptions shall be made in writing and received by the Board prior to the applicable renewal period.
- 11.5 Qualified Programs.
- 11.5.1 General Determination: The overriding consideration in determining if a specific program qualifies as a continuing professional education program is whether it is a formal program of learning which contributes directly to the professional competence of the permit holder.
- 11.5.2 Formal Programs: Formal programs requiring class attendance will qualify only if:
- 11.5.2.1 An outline is prepared in advance and the plan sponsor agrees to preserve a copy for five years or the outline is provided to the participant or both.
- 11.5.2.2 The program is at least an hour (a fifty-minute period) in length.
- 11.5.2.3 The program is conducted by a qualified instructor or discussion leader.
- 11.5.2.4 A record of registration or attendance is maintained for five years or the participant is furnished with a statement of attendance, or both.
- 11.5.2.5 Webinars, or internet seminars, and teleconference events completed after June 30, 2007, shall be deemed group programs provided that the requirements of Rules 11.5.2.1, 11.5.2.2, 11.5.2.3 and 11.5.2.4 are met and provided that there is opportunity for live interaction between participants and the instructor and provided that a certificate is issued.
- 11.5.3 Programs deemed approved: Provided the criteria in Rules 11.5.1 and 11.5.2 ~~of these Rules and Regulations~~ are met, the following are deemed to qualify for continuing professional education:
- 11.5.3.1 Programs approved by ~~National Association of State Boards of Accountancy (NASBA);~~
- 11.5.3.2 Professional development programs of national, state and local accounting organizations;
- 11.5.3.3 Technical sessions at meeting of national, state and local accounting organizations and their chapters;
- 11.5.3.4 University or college courses:
- 11.5.3.4.1 Credit courses: each semester hour credit shall equal 5 hours of continuing professional education.
- 11.5.3.4.2 Non-credit courses: each classroom hour shall equal one hour of continuing professional education;
- 11.5.3.5 Programs of other organizations (accounting, industrial, professional, etc.);
- 11.5.3.6 Other organized educational programs on technical and other practice subjects including "in-house" training programs of public accounting firms.
- 11.5.4 Correspondence and Individual Study Programs: Formal correspondence or other individual study programs which provide evidence of satisfactory completion will qualify, with the amount of credit

to be determined by the Board. The Board will not approve any program of learning that does not offer sufficient evidence that the work has actually been accomplished. The maximum credit toward meeting the continuing professional education requirement with formal correspondence or other individual study programs shall not exceed 30% of the total requirement.

- 11.5.5 Instructors and Discussion Leaders: Credit for one hour of continuing professional education will be awarded for each hour completed as an instructor or discussion leader plus two additional hours of credit for each classroom hour for research and preparation to the extent that the activity contributes to the professional competence of the registrant as determined by the Board. No credit will be awarded for repeated offerings of the same subject matter. The maximum credit toward meeting the continuing professional education requirement as an instructor or discussion leader shall not exceed 50% of the total requirement.
- 11.5.6 Published Articles and Books: One hour credit will be granted for each 50 minute period of preparation time on a self-declaration basis to a maximum of 20 hours in each biennial reporting period. A copy of the published article must be submitted to the Board upon request.
- 11.5.7 Committee, Dinner, Luncheon and Firm Meetings. One hour credit will be granted for each 50 minutes of participation. Credit will only be granted for those meetings which are structured as a continuing education program.

11.6 Control and Reporting

~~11.6.1 Random audits will be performed by the Board to ensure compliance with the CE requirements. Licensees selected for audit shall be required to submit attendance verification including:~~

- ~~11.6.1.1 school, firm or organization conducting course;~~
- ~~11.6.1.2 location of course;~~
- ~~11.6.1.3 title of course or description of content;~~
- ~~11.6.1.4 dates attended; and~~
- ~~11.6.1.5 hours claimed.~~

~~11.6.2 The Board may verify information submitted by applicants by requesting submission of the documentation to be retained by the applicant and/or sponsor and may revoke permits for which deficiencies exist. If a Continuing Professional Education Statement submitted by an applicant for permit renewal is not approved, or if upon verification, revocation is being considered, the applicant will be notified and may be granted a period of time in which to correct the deficiencies. Any license revocation or denial of application for license renewal will proceed in accordance with the provisions of the Administrative Procedures Act, 29 **Del.C.** §10101, *et. seq.*~~

11.76 Evidence of Completion- Retention

11.76.1 Primary responsibility for documenting the Board's continuing professional education requirements rest with the applicant. Evidence in support of the requirements ~~should~~ shall be retained for a period of five years after completion of the educational activity.

11.76.2 Sufficiency of evidence includes retention of course outlines and such signed statements of attendance as may be furnished by the sponsor.

11.76.3 For courses taken for scholastic credit in accredited universities or colleges, evidence of satisfactory completion of the course will satisfy the course outline and attendance record.

11.76.4 For non-credit courses at accredited universities or colleges, a statement of the hours of attendance signed by the instructor or an authorized official of the sponsoring institution, must be obtained and retained by the applicant. Course outlines may be retained by the sponsoring institution for a period of five years in lieu of retention of the outlines by the applicant.

11.87 ~~Composition of Continuing Professional Education: The biennial continuing professional education requirement shall include a minimum of sixteen (16) credit hours in accounting and/or auditing and a minimum of sixteen (16) credit hours in taxation and four (4) credit hours in a Delaware specific ethics course approved by the Board. The remaining forty-four (44) The specific course requirements are set forth in Rule 11.1. Elective credit hours may be satisfied by general subject matters so long as they contribute to the professional competence of the individual practitioner. Such general subject matters include, but are not limited to, the following areas:~~

- Accounting
- Administrative Practice
- Auditing
- Business Law
- Communication Arts
- Computer Science
- Economics
- Finance, Production and Marketing
- Management Services Mathematics, Statistics, Probability, and Quantitative Applications in Business
- Personnel Relations, Business Management and Organization
- Social Environment of Business
- Specialized Areas of Industry
- Taxation

8 DE Reg. 1583 (5/1/05)

9 DE Reg. 1983 (06/01/06)

12.0 Additional Provisions Concerning Examinations

- 12.1 All examinations required under 24 **Del.C.** Ch. 1 and these Rules and Regulations shall be graded by the applicable grading service of the organization offering the examination.
- 12.2 Applications to sit for the Uniform Certified Public Accountant examination ("CPA examination") shall be submitted in completed form to the Board's designated agent by the dates determined by the Board's designated agent.
- 12.3 The CPA examination shall be in the subjects of accounting and reporting, financial accounting and reporting, auditing, and business law, and in such other or additional subjects that may be covered in successor examinations as may be required to qualify for a certificate.
- 12.4 Rules for Examination.
- 12.4.1 An applicant who commits an act of dishonesty or otherwise engages in any other form of misconduct, will be expelled from the examination room and may be denied the right to sit for future examinations.
- 12.4.2 Applicants will be informed in writing of the results achieved in each section.
- 12.5 Passing Grade on the Uniform CPA Examination
- 12.5.1 An applicant for a certificate who receives a passing grade of 75 or higher as determined by the AICPA Board of Examiners in all four subjects shall be deemed to have passed the Uniform Certified Public Accountant CPA Examination.
- 12.5.2 An applicant who is taking only ~~the Accounting and Reporting (ARE) and Financial Accounting and Reporting (FARE)~~ the Financial Accounting and Reporting (FAR) and Auditing and Attestation (AUD) sections of the CPA examination in order to apply for a permit to practice public accounting, who receives a passing grade of 75 or higher as determined by the AICPA Board of Examiners in both required subjects, shall be deemed to have passed the applicable parts of the CPA examination.
- 12.6 Transfer of Credit for Subjects Passed in Another Jurisdiction
- 12.6.1 An applicant who has passed one or more sections of the examination in another jurisdiction will be permitted to transfer to this jurisdiction credit for the sections so passed under the following conditions:
- 12.6.1.1 At the time he or she sat for the examination in the other jurisdiction, he or she met all the requirements of the Delaware Accountancy statute and Rules and Regulations to sit for the examination in Delaware; and
- 12.6.1.2 At the time he or she makes application to sit for the examination in Delaware, he or she meets all the requirements of the Delaware Accountancy statute and Rules and Regulations; and

- 12.6.1.3 Credit for any subject of the examination which is transferred from some other jurisdiction to Delaware will be treated as if that credit had been earned in Delaware on the same date such credit was earned in the other jurisdiction.
- 12.6.2 The Board will require satisfactory evidence from the transferring jurisdiction as to the validity of the credit.
- 12.6.3 If an applicant has passed all sections of the examination in one or more other jurisdictions, but does not possess a certificate or permit from one of the jurisdictions in which a subject was passed, transfer of credit will only be permitted if a satisfactory explanation of such lack of a certificate or permit is furnished to the Board in writing. The Board may require a written explanation of why no certificate or permit was issued from the jurisdiction in which the final section was successfully completed.
- 12.7 Computer-Based Examination
- 12.7.1 Effective with the implementation of the computer-based examination, a candidate may take the required test sections individually and in any order. Except as provided in Rule 12.7.3 ~~of these rules~~, credit for any test section(s) passed shall be valid for eighteen months from the actual date the candidate took the test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections. The candidate shall also be subject to the following:
- 12.7.1.1 Candidates must pass all four test sections of the ~~Uniform CPA Examination~~ within a rolling eighteen-month period, that begins on the date that the first test section is passed.
- 12.7.1.2 Candidates cannot retake a failed test section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus, candidates will be able to test two out of three months within an examination window.
- 12.7.1.3 In the event all four test sections of the examination are not passed within the rolling eighteen month period, credit for any test section(s) passed outside the eighteen-month period will expire and that test section(s) must be retaken.
- 12.7.2 Effective October 31, 2005 all credits earned under a paper and pencil examination are no longer valid and will not be accepted.
- 12.7.3 The Board may extend the eighteen-month time period set forth in Rule 12.7.1.1 in cases of substantial hardship as determined by the Board in its discretion.
- 12.7.4 A candidate shall be deemed to have passed the examination once the candidate holds, at the same time, valid credit for passing each of the four test sections of the examination. For purposes of this ~~Regulation~~ Rule, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually received notice of the passing grade.
- 12.7.5 Effective August 1, 2012, all candidates for the CPA examination shall hold, at a minimum, a Baccalaureate Degree with a concentration in accounting, pursuant to Rule 4.1.4.2. Candidates for the CPA examination who have passed at least one section of the CPA examination prior to August 1, 2012 shall qualify to take the remaining sections of the examination in accordance with the provisions of 24 Del.C. Chapter 1 and the Rules and Regulations which were in effect prior to August 1, 2012.

7 DE Reg. 494 (10/01/03)

9 DE Reg. 1983 (06/01/06)

13.0 Excepted Practices; Working Papers

- 13.1 Excepted Practices: The offering or rendering of data processing services by mechanical or electronic means is not prohibited by 24 **Del.C.** §120. However, the exception applies only to the processing of accounting data as furnished by the client and does not include the classification or verification of such

accounting data or the analysis of the resulting financial statement by other than mechanical or electronic equipment not prohibited by this ~~Section~~ Rule. The rendering of advice or assistance in regard to accounting controls, systems and procedures is exempt only as it pertains to the specific equipment or data processing service being offered. The exemption does not cover study and/or advice regarding accounting controls, systems and procedures in general. Persons, partnerships or corporations offering or performing data processing services or services connected with mechanical or electronic equipment are subject to all provisions of 24 **Del.C.** Ch. 1.

- 13.2 Working Papers: For purposes of 24 **Del.C.** §120, the term “working papers” does not properly include client records. In some instances, a permit holder’s working papers may include data which should be part of the client’s books and records, rendering the client’s books and records incomplete. In such instances, that portion of the working papers containing such data constitutes part of the client’s records and should be made available to the client upon request.

9 DE Reg. 1983 (06/01/06)

14.0 Hearings

- 14.1 Disciplinary proceedings against any certificate or permit holder ~~or an individual or firm with practice privileges~~ may be initiated by an aggrieved person by submitting a complaint in writing to the Director of the Division of Professional Regulation as specified in 29 **Del.C.** §8807(h)(1)-(3).
- 14.1.1 A copy of the written complaint shall be forwarded to the administrative assistant for the Board. At the next regularly scheduled Board meeting, a contact person for the Board shall be appointed and a copy of the written complaint given to that person.
- 14.1.2 The contact person appointed by the Board shall maintain strict confidentiality with respect to the contents of the complaint and shall not discuss the matter with other Board members or with the public. ~~The contact person shall maintain contact with the investigator or deputy attorney general assigned to the case regarding the progress of the investigation. The investigator shall maintain contact with the contact person regarding the progress of the investigation.~~
- 14.1.3 In the instance when the case is being closed by the Division, the contact person shall ~~report the facts and conclusions to~~ so advise the Board without revealing the identities of the parties involved. No vote of the Board is necessary to close the case.
- 14.1.4 ~~If a hearing has been requested by the Deputy Attorney General, a copy of these Rules and Regulations shall be provided to the respondent upon request. If a hearing is requested by the Deputy Attorney General, the notice of hearing shall fully comply with 29 Del.C. §§10122 and 10131 pertaining to the requirements of the notice of proceedings. All notices shall be sent to the respondent’s address as reflected in the Board’s records.~~
- 14.1.5 At any disciplinary hearing, the respondent shall have the right to appear in person or be represented by counsel, or both. ~~The Respondent shall have the right to produce evidence and witnesses on his or her behalf and to cross examine witnesses. The Respondent shall be entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of documents on his or her behalf. The Division has the authority to issue subpoenas for witnesses and other sources of evidence at Division initiative or at the request of a party.~~
- 14.1.6 ~~No less than 10 days prior to the date set for a disciplinary hearing, the Department of Justice and the accused shall submit to the Board and to each other, a list of the witnesses they intend to call at the hearing. Witnesses not listed shall be permitted to testify only upon a showing of reasonable cause for such omission.~~
- 14.1.7 ~~If the respondent fails to appear at a disciplinary hearing after receiving the notice required by 29 Del.C. §§10122 and 10131, the Board may proceed to hear and determine the validity of the charges against the respondent.~~
- 14.2 General procedure
- 14.2.1 The Board may administer oaths, take testimony, hear proofs and receive exhibits into evidence at any hearing. All testimony at any hearing shall be under oath.

- 14.2.2 ~~Strict rules of evidence shall not apply. All evidence having probative value commonly accepted by reasonably prudent people in the conduct of their affairs shall be admitted.~~
- 14.2.3 ~~An attorney representing a party in a hearing or matter before the Board shall notify the Board of the representation in writing as soon as practical.~~
- 14.2.4 ~~Requests for postponements of any matter scheduled before the Board shall be submitted to the Board's office in writing at least three (3) days before the date scheduled for the hearing. Absent a showing of exceptional hardship, there shall be a maximum of one postponement allowed to each party to any hearing.~~

5 DE Reg. 2090 (05/01/02)

9 DE Reg. 1983 (06/01/06)

15.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 15.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.
- 15.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 15.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).
- 15.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.
- 15.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 15.8 of this section.
- 15.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
 - 15.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
 - 15.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her

- designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 15.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 15.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
 - 15.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
 - 15.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 15.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
 - 15.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
 - 15.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
 - 15.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
 - 15.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
 - 15.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

9 DE Reg. 1983 (06/01/06)

16.0 Crimes Substantially Related to the Practice of Accountancy:

- 16.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of accountancy in the State of Delaware without regard to the place of conviction:
 - 16.1.1 Aggravated menacing. 11 **Del.C.** §602(b)
 - 16.1.2 Reckless endangering in the first degree. 11 **Del.C.** §604
 - 16.1.3 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605.

- 16.1.4 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.
- 16.1.5 Assault in the second degree. 11 **Del.C.** §612
- 16.1.6 Assault in the first degree. 11 **Del.C.** §613.
- 16.1.7 Assault by abuse or neglect. 11 **Del.C.** §615.
- 16.1.8 Gang participation. 11 **Del.C.** §616.
- 16.1.9 Terroristic threatening; felony. 11 **Del.C.** §621(a) and (b).
- 16.1.10 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.
- 16.1.11 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
- 16.1.12 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
- 16.1.13 Murder in the second degree. 11 **Del.C.** §635.
- 16.1.14 Murder in the first degree. 11 **Del.C.** §636.
- 16.1.15 Promoting suicide. 11 **Del.C.** §645.
- 16.1.16 Unlawful sexual contact in the second degree. 11 **Del.C.** §768.
- 16.1.17 Unlawful sexual contact in the first degree. 11 **Del.C.** §769.
- 16.1.18 Rape in the fourth degree. 11 **Del.C.** §770.
- 16.1.19 Rape in the third degree. 11 **Del.C.** §771.
- 16.1.20 Rape in the second degree. 11 **Del.C.** §772.
- 16.1.21 Rape in the first degree. 11 **Del.C.** §773.
- 16.1.22 Sexual extortion. 11 **Del.C.** §776.
- 16.1.23 Continuous sexual abuse of a child. 11 **Del.C.** §778.
- 16.1.24 Dangerous crime against a child. 11 **Del.C.** §779.
- 16.1.25 Unlawful imprisonment in the first degree. 11 **Del.C.** §782.
- 16.1.26 Kidnapping in the second degree. 11 **Del.C.** §783.
- 16.1.27 Kidnapping in the first degree. 11 **Del.C.** §783A.
- 16.1.28 Arson in the second degree. 11 **Del.C.** §802.
- 16.1.29 Arson in the first degree. 11 **Del.C.** §803.
- 16.1.30 Burglary in the third degree. 11 **Del.C.** §824.
- 16.1.31 Burglary in the second degree. 11 **Del.C.** §825.
- 16.1.32 Burglary in the first degree. 11 **Del.C.** §826.
- 16.1.33 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828.
- 16.1.34 Robbery in the second degree. 11 **Del.C.** §831.
- 16.1.35 Robbery in the first degree. 11 **Del.C.** §832.
- 16.1.36 Carjacking in the second degree. 11 **Del.C.** §835.
- 16.1.37 Carjacking in the first degree. 11 **Del.C.** §836.
- 16.1.38 Shoplifting; felony. 11 **Del.C.** §840.
- 16.1.39 Use of illegitimate retail sales receipt or Universal Product Code Label; felony. 11 **Del.C.** §840A.
- 16.1.40 Theft. 11 **Del.C.** §841.
- 16.1.41 Theft; lost or mislaid property; mistaken delivery. 11 **Del.C.** §842.
- 16.1.42 Theft; false pretense. 11 **Del.C.** §843.
- 16.1.43 Theft; false promise. 11 **Del.C.** §844.
- 16.1.44 Theft of services. 11 **Del.C.** §845.
- 16.1.45 Extortion. 11 **Del.C.** §846.
- 16.1.46 Misapplication of property; felony. 11 **Del.C.** §848.
- 16.1.47 Receiving stolen property. 11 **Del.C.** §851
- 16.1.48 Identity theft. 11 **Del.C.** §854.

- 16.1.49 Forgery. 11 **Del.C.** §861.
- 16.1.50 Possession of forgery devices. 11 **Del.C.** §862.
- 16.1.51 Falsifying business records. 11 **Del.C.** §871.
- 16.1.52 Tampering with public records in the second degree. 11 **Del.C.** §873.
- 16.1.53 Tampering with public records in the first degree. 11 **Del.C.** §876.
- 16.1.54 Offering a false instrument for filing. 11 **Del.C.** §877.
- 16.1.55 Issuing a false certificate. 11 **Del.C.** §878.
- 16.1.56 Defrauding secured creditors. 11 **Del.C.** §891.
- 16.1.57 Fraud in insolvency. 11 **Del.C.** §892.
- 16.1.58 Interference with levied-upon property. 11 **Del.C.** §893.
- 16.1.59 Issuing a bad check; felony. 11 **Del.C.** §900.
- 16.1.60 Unlawful use of credit card; felony. 11 **Del.C.** §903.
- 16.1.61 Reencoder and scanning devices. 11 **Del.C.** §903A.
- 16.1.62 Deceptive business practices. 11 **Del.C.** §906.
- 16.1.63 Criminal impersonation. 11 **Del.C.** §907.
- 16.1.64 Criminal impersonation, accident related. 11 **Del.C.** §907A.
- 16.1.65 Criminal impersonation of a police officer. 11 **Del.C.** §907B.
- 16.1.66 Unlawfully concealing a will. 11 **Del.C.** §908.
- 16.1.67 Securing execution of documents by deception. 11 **Del.C.** §909.
- 16.1.68 Debt adjusting. 11 **Del.C.** §910.
- 16.1.69 Fraudulent conveyance of public lands. 11 **Del.C.** §911.
- 16.1.70 Fraudulent receipt of public lands. 11 **Del.C.** §912.
- 16.1.71 Insurance fraud. 11 **Del.C.** §913.
- 16.1.72 Health care fraud. 11 **Del.C.** §913A.
- 16.1.73 Home improvement fraud. 11 **Del.C.** §916.
- 16.1.74 New home construction fraud. 11 **Del.C.** §917.
- 16.1.75 Unauthorized access. 11 **Del.C.** §932.
- 16.1.76 Theft of computer services. 11 **Del.C.** §933.
- 16.1.77 Interruption of computer services. 11 **Del.C.** §934.
- 16.1.78 Misuse of computer system information. 11 **Del.C.** §935.
- 16.1.79 Destruction of computer equipment. 11 **Del.C.** §936.
- 16.1.80 Unrequested or unauthorized electronic mail or use of network or software to cause same. 11 **Del.C.** §937.
- 16.1.81 Failure to promptly cease electronic communication upon request. 11 **Del.C.** §938.
- 16.1.82 Dealing in children. 11 **Del.C.** §1100.
- 16.1.83 Sexual exploitation of a child. 11 **Del.C.** §1108.
- 16.1.84 Unlawfully dealing in child pornography. 11 **Del.C.** §1109.
- 16.1.85 Possession of child pornography. 11 **Del.C.** §1111.
- 16.1.86 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112.
- 16.1.87 Sexual solicitation of a child. 11 **Del.C.** §1112A.
- 16.1.88 Criminal non-support and aggravated criminal non-support. 11 **Del.C.** §1113.
- 16.1.89 Bribery; felony. 11 **Del.C.** §1201
- 16.1.90 Receiving a bribe; felony. 11 **Del.C.** §1203.
- 16.1.91 Giving unlawful gratuities. 11 **Del.C.** §1205.
- 16.1.92 Receiving unlawful gratuities. 11 **Del.C.** §1206.
- 16.1.93 Improper influence. 11 **Del.C.** §1207.

- 16.1.94 Official misconduct. 11 **Del.C.** §1211.
- 16.1.95 Profiteering. 11 **Del.C.** §1212.
- 16.1.96 Perjury in the second degree. 11 **Del.C.** §1222.
- 16.1.97 Perjury in the first degree. 11 **Del.C.** §1223.
- 16.1.98 Making a false written statement. 11 **Del.C.** §1233.
- 16.1.99 Terroristic threatening of public officials or public servants; felony. 11 **Del.C.** §1240.
- 16.1.100 Hindering prosecution; felony. 11 **Del.C.** §1244.
- 16.1.101 Falsely reporting an incident; felony. 11 **Del.C.** §1245.
- 16.1.102 Promoting prison contraband; felony. 11 **Del.C.** §1256.
- 16.1.103 Bribing a witness. 11 **Del.C.** §1261.
- 16.1.104 Bribe receiving by a witness. 11 **Del.C.** §1262.
- 16.1.105 Tampering with a witness. 11 **Del.C.** §1263.
- 16.1.106 Interfering with child witness. 11 **Del.C.** §1263A.
- 16.1.107 Bribing a juror. 11 **Del.C.** §1264.
- 16.1.108 Bribe receiving by a juror. 11 **Del.C.** §1265.
- 16.1.109 Tampering with a juror. 11 **Del.C.** §1266.
- 16.1.110 Misconduct by a juror. 11 **Del.C.** §1267.
- 16.1.111 Tampering with physical evidence. 11 **Del.C.** §1269.
- 16.1.112 Unlawful grand jury disclosure. 11 **Del.C.** §1273.
- 16.1.113 Hate crimes; felony. 11 **Del.C.** §1304.
- 16.1.114 Stalking; felony. 11 **Del.C.** §1312A.
- 16.1.115 Violation of privacy; felony. 11 **Del.C.** §1335.
- 16.1.116 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338.
- 16.1.117 Adulteration. 11 **Del.C.** §1339.
- 16.1.118 Possessing a destructive weapon. 11 **Del.C.** §1444.
- 16.1.119 Unlawfully dealing with a dangerous weapon; felony. 11 **Del.C.** §1445.
- 16.1.120 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447.
- 16.1.121 Possession of a firearm during commission of a felony. 11 **Del.C.** §1447A.
- 16.1.122 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448.
- 16.1.123 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455.
- 16.1.124 Organized Crime and Racketeering. 11 **Del.C.** §1504.
- 16.1.125 Victim or Witness Intimidation 11 **Del.C.** §3532 and 3533.
- 16.1.126 Financial exploitation of residents or patients; felony. 16 **Del.C.** §1136(b).
- 16.1.127 Prohibited acts A under the Uniform Controlled Substances Act. 16 **Del.C.** §4751(a), (b) and (c).
- 16.1.128 Prohibited acts B under the Uniform Controlled Substances Act. 16 **Del.C.** §4752(a) and (b).
- 16.1.129 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 **Del.C.** §4753A (a)(1)-(9).
- 16.1.130 Prohibited acts under the Uniform Controlled Substances Act. 16 **Del.C.** §4756(a)(1)-(5) and (b).
- 16.1.131 Distribution to persons under 21 years of age. 16 **Del.C.** §4761.
- 16.1.132 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property. 16 **Del.C.** §4767.
- 16.1.133 Drug paraphernalia; felony. 16 **Del.C.** §4771 (b) and (c) [manufacture and sale, delivery to a minor].
- 16.1.134 Attempt to evade or defeat tax. 30 **Del.C.** §571.
- 16.1.135 Failure to collect or pay over tax. 30 **Del.C.** §572.
- 16.1.136 Failure to file return, supply information or pay tax. 30 **Del.C.** §573.

- 16.1.137Fraud and false statements. 30 **Del.C.** §574.
 - 16.1.138Misdemeanors [tax related]. 30 **Del.C.** §576.
 - 16.1.139Obtaining benefit under false representation; felony. 31 **Del.C.** §1003.
 - 16.1.140Reports, statements and documents; felony. 31 **Del.C.** §1004.
 - 16.1.141Kickback schemes and solicitations. 31 **Del.C.** §1005.
 - 16.1.142Conversion of payment. 31 **Del.C.** §1006.
 - 16.1.143Violations of the Securities Act. 6 **Del.C.** §7322.
 - 16.1.144Attempt to Intimidate. 11 **Del.C.** §3534.
 - 16.1.145Alteration, Theft or Destruction of Will. 12 **Del.C.** §210.
 - 16.1.146Financial exploitation of infirm adult; felony. 31 **Del.C.** §3913.
- 16.2 Crimes substantially related to the practice of accountancy shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.
- 8 DE Reg. 1269 (03/01/05)**
9 DE Reg. 1983 (06/01/06)
14 DE Reg. 54 (07/01/10)